

IDENTIFICATION OF POTENTIAL FEDERAL ARARS FOR THE LANDSBURG MINE SITE

Requirements	Applicable or Relevant & Appropriate	Comment
Archeological and Historic Preservation Act Title 16 USC 469a	Applicable	This act requires that actions conducted at the site must not cause the loss of any archeological and historic data. This act mandates preservation of the data and does not require protection of the actual facility. The requirements of this Act are potentially applicable based on a determination of whether such archaeological data occur on site.
Clean Air Act of 1977, as amended Title 42 USC 7401 et seq.	Applicable	The Clean Air Act (CAA) regulates emission of hazardous pollutants to the air. Controls for emissions are implemented through federal, state, and local programs. Pursuant to the CAA, EPA has promulgated National Ambient Air Quality Standards, National Emission Standards for Hazardous Air Pollutants, and New Source Performance Standards. The Clean Air Act is implemented in the State of Washington through the Washington Clean Air Act. Washington Clean Air Act criteria which are potentially ARAR for the Landsburg Mine site are presented in Table 4-2 under the State ARAR discussions.
Clean Water Act of 1977 Title 33 USC 1251, as amended	Applicable	The Clean Water Act establishes the guidelines and standards to control discharge of pollutants to waters of the U.S. Selected sections are discussed below.
Water Quality Standards 40 CFR 131		40 CFR 131 establishes the requirements and procedures for states to develop and adopt water quality standards based on federal water quality criteria that are at least as stringent as the federal standards. Washington State has received EPA approval and has adopted more stringent water quality criteria under WAC 173-201A. These criteria are presented in detail as state ARARs, and are listed in Table 4-4.
Section 404 40 CFR 230.10		These sections of the Clean Water Act and associated regulations prohibit discharge of dredge or fill material to wetlands as defined by the U.S. Army Corps of Engineers. The Section 404 requirements are potentially applicable based on a determination of the occurrence of wetlands on the Mine site.
National Pollutant Discharge Elimination System (NPDES) 40 CFR 122 to 125	Applicable	The NPDES program controls release of toxic pollutants through monitoring requirements and implementation of a best management practices program. The substantive requirements of the program would be required if discharge of treated waste water were to occur as part of remediation; however, a permit would not be required due to a MTCA exemption.
Endangered Species Act of 1973	Applicable	The Endangered Species Act of 1973 establishes requirements for the protection of threatened and

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Title 16 USC 1531 et seq.		endangered species. The requirements of this act are potentially applicable based on a determination of whether such species occur on the Mine site or could be impacted by site remedial activities.
Executive Order 11990	Applicable	Executive Order 11990 requires the protection of wetlands from destruction and specifies that construction activities in the area of wetlands be minimized. The federal agencies are to implement these considerations through existing federal requirements, such as the National Environmental Policy Act. The Executive Order is potentially applicable based on a determination of the whether wetlands are present on the Mine site or could be affected by site remedial activities.
Hazardous Materials Transportation Act 49 USC 1801, et seq	Applicable	No person may offer to accept hazardous material for transportation in commerce unless the material is properly classed, described, packaged, marked, labeled, and in condition for shipment. These requirements are applicable to hazardous material generated during remedial activities that would be sent offsite for disposal.
Hazardous Materials Regulation 49 CFR 171		
Hazardous Materials Tables, Hazardous Materials Communications Requirements, and Emergency Response Information Requirements 49 CFR 172	Applicable	These requirements are applicable if hazardous waste is generated during remediation and is transported offsite. Tables are used to identify requirements for labeling, packaging, and transportation based on categories of waste types. Specific performance requirements are established for packages used for shipping and transport of hazardous materials.
National Historic Preservation Act of 1966 Title 16 USC 470	Applicable	The National Historic Preservation Act requires that historically significant properties be protected. The National Register of Historic Places is a list of sites, buildings or other resources identified as significant to United States history. An eligibility determination provides a site the same level of protection as a site listed on the National Register of Historic Places. The requirements of this federal law are potentially applicable based on a determination of whether such properties occur on the Mine site.
National Oil and Hazardous Substances Contingency Plan (NCP) 40 CFR 300	Relevant & Appropriate	Since the Landsburg Mine site is not on the NPL, the NCP is not applicable to this RI/FS. Sections of the NCP may be relevant and appropriate, however, depending on site conditions.
Resource Conservation and Recovery Act	Portions Applicable	The Resource Conservation and Recovery Act (RCRA) consists of standards and criteria controlling the treatment, storage and disposal of hazardous wastes. The EPA has granted the State

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Title 42 USC 6901 et seq		of Washington the authority to implement RCRA through the Department of Ecology's dangerous waste program (WAC 173-303). Therefore, to avoid redundancy, RCRA criteria which are potentially ARAR for the Landsburg Mine site are not detailed here. The State of Washington equivalent criteria are presented in the state ARAR discussions and in Table 4-2.
Safe Drinking Water Act of 1974 Title 42 USC 300, et seq. National Primary and Secondary Drinking Water Standards 40 CFR 141, 143	Applicable	MTCA requires that groundwater cleanup levels be at least as stringent as maximum contaminant levels (MCLs), secondary maximum contaminant levels (SMCLs), and non-carcinogen maximum contaminant level goals (MCLGs) established under the Safe Drinking Water Act where groundwater is a current or potential future source of drinking water. MCLs, SMCLs and non-carcinogen MCLGs for public drinking water are presented in Table 4-3 for selected compounds.
Surface Mining, Control and Reclamation Act of 1977 30 USC 1201 et seq. Underground Mining General Performance Standards 30 CFR 717 Abandoned Mine Land Reclamation-General Reclamation Requirements 30 CFR 874	Not ARAR Applicable	This regulation provides general operational performance standards for underground mines, including reclamation activities. Since the Mine activities had ceased prior to the effective date of this law, these regulations are not applicable. These rules describe the eligibility of coal lands for reclamation with money from the Abandoned Mine Reclamation Fund. Coal lands are eligible for reclamation activities if they were mined for coal prior to August 3, 1977, and were left or abandoned in either an unreclaimed or inadequately reclaimed condition. Potentially, this may be applicable to the mine site remedial activities. Funds could be available from the fund to remediate physical hazards posed by the mine and not for any hazards posed by chemical contamination being addressed by Ecology.
Toxic Substance Control Act (TSCA) Title 15 USC 2601 et seq. Regulation of PCBs 40 CFR 761	Applicable	TSCA requires that material contaminated with PCBs at concentrations of 50 ppm or greater be disposed of in an incinerator or by an alternate method that achieves an equivalent level of performance. Liquids at concentrations between 50 and 500 ppm and soils above 50 ppm may also

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		be disposed in a chemical waste landfill. TSCA requirements do not apply, however, to PCBs at concentrations less than 50 ppm. TSCA requirements are potentially applicable to remedial actions at the site if PCBs are detected above this level in excavated soils. To date, however, PCBs have not been detected above this concentration at the site.